

12 KAR 3:012. Uniform labeling format.

RELATES TO: KRS 250.501, 250.521, 15 U.S.C. 1451-1461

STATUTORY AUTHORITY: KRS 250.521(2)(e), (f), 250.571

NECESSITY, FUNCTION, AND CONFORMITY: KRS 250.571(1) authorizes the Director of the Agricultural Experiment Station to promulgate administrative regulations necessary for the efficient enforcement of KRS 250.491 to 250.631. KRS 250.521 requires that pet foods be labeled and establishes the information that shall be stated on the label. This administrative regulation establishes a uniform format for labeling information for pet foods and delineates criteria for product claims.

Section 1. The quantity statement and product name shall appear on the principal display panel of a pet food label. All other required information shall be:

- (1) Placed on the label; and
- (2) Easily read by a purchaser.

Section 2. The quantity statement shall conform with the United States Fair Packaging and Labeling Act of 15 USC 1451 through 1461.

Section 3. (1) The information required in the guaranteed analysis shall be listed in the following order:

- (a) Crude protein (minimum percentage);
 - (b) Crude fat (minimum percentage);
 - (c) Crude fiber (maximum percentage); and
 - (d) Moisture (maximum percentage).
- (2) Additional guarantees shall follow moisture.

Section 4. The label of a pet food shall specify the name and address of the manufacturer, packer, or distributor. The statement shall include the street address unless the street address is shown in a current city directory or telephone directory of the city named on the label as the manufacturer's or distributor's address.

Section 5. If a person manufactures, packages, or distributes a pet food in a place other than his principal place of business, the label may state either address if it is not misleading.

Section 6. A vignette, graphic, or pictorial representation of a product on a pet food label shall not misrepresent the contents of the package.

Section 7. The word "proven" shall not be used in connection with a label claim for a pet food unless scientific or other empirical evidence substantiating the claim is available.

Section 8. A statement shall not appear upon the label of a pet food that makes a false or misleading comparison between that pet food and another pet food.

Section 9. A personal or commercial endorsement may be included on a pet food label if the endorsement is:

- (1) Factual; and
- (2) Not misleading.

Section 10. If a pet food intended for retail sale is enclosed in an outer container or wrapper, all

required label information shall appear on the outside wrapper or container.

Section 11. The words "dog food," "cat food" or a similar designation shall appear conspicuously upon the principal display panel of the pet food label.

Section 12. The label of a pet food shall not contain an unqualified claim that the pet food, or recommended feeding of the pet food, is a complete, perfect, scientific or balanced ration for dogs or cats unless the product or feeding:

(1)(a) Meets the nutrient requirements for all life stages established by the Association of American Feed Control Officials (AAFCO) Dog or Cat Food Nutrient Profiles, as contained in the Official Publication; or

(b) Has had adequate testing to demonstrate the stated capabilities if:

1. A product ingredient provides a nutrient in an amount that substantially deviates from the established nutrient requirements; or

2. The stated capability has not been established by AAFCO; and

(2) Contains a combination of ingredients which when fed to a normal animal as the only source of nourishment in accordance with the testing procedures established by AAFCO, meets the criteria of the testing procedures for the appropriate life stage.

Section 13. A label for a product formulated for or suitable for a limited purpose, such as feeding of puppies, shall state that the product, or its recommended feeding, meets the requirements of a complete, perfect, scientific or balanced ration for dogs or cats if:

(1) Accompanied by a statement of the limited purpose for which the product is intended or suitable positioned on the same panel and in the same size, style and color print; and

(2) An affidavit is provided upon request of the director substantiating that the pet food:

(a) Meets the nutrient requirements established by the AAFCO Dog or Cat Food Nutrient Profiles; or

(b) Has had its capabilities for the limited or qualified purpose demonstrated by adequate testing.

Section 14. Except as specified by 12 KAR 3:017, Section 1, the name of an ingredient on the label, other than in the product name shall:

(1) Not be given undue emphasis so as to create the impression that it is present in a larger amount than is the fact;

(2) Constitute at least three (3) percent of the total ingredients, excluding water sufficient for processing, if preceded by the designation "with" or a similar term;

(3) Be in the same size, style and color print; and

(4) Appear in the order of the ingredient's predominance by weight in the product if the names of more than one (1) ingredient are shown.

Section 15. The label of a dog or cat food, other than one (1) prominently identified as a snack or treat, shall bear on the principal display panel or the information panel as defined in 21 CFR 501.1 and 501.2 in type of a size reasonably related to the largest type on the panel, a statement of the nutritional adequacy or purpose of the product. The statement shall:

(1) Consist of one (1) of the following:

(a) A claim that the pet food meets the nutritional requirements of one (1) or more of the recognized life-stage categories, which shall include gestation, lactation, growth, maintenance, or complete for all life stages. The claim shall be stated as one (1) of the following:

1. (Insert name of product) is formulated to meet the nutritional levels established by the AAFCO (dog or cat) Food Nutrient Profiles for (insert life-stage category); or

2. Animal feeding tests using AAFCO procedures substantiate that (insert name of product) provides complete and balanced nutrition for (insert life-stage category);

(b) A nutrition or dietary claim for purposes other than those listed in Sections 12 and 13 of this administrative regulation, if the claim is scientifically substantiated; or

(c) The statement, "this product is intended for intermittent or supplemental feeding only", if the product does not meet either the requirements of Section 12 or 13 of this administrative regulation or other special nutritional or dietary need; and

(2) If the product is intended for use by or under the supervision or direction of a veterinarian, the statement "use only as directed by your veterinarian".

Section 16. A claim on a pet food label that states:

(1) "Improved" or "new" shall be:

(a) Substantiated by the manufacturer; and

(b) Limited to six (6) months of production; or

(2) A preference or comparative attribute shall be:

(a) Substantiated by the manufacturer; and

(b) Limited to one (1) year of production, after which the claim shall be removed or resubstantiated.

Section 17. Dog and cat food labeled as complete and balanced for a life stage, except a pet food labeled in accordance with Section 15(2) of this administrative regulation, shall list feeding directions on the label. These directions shall be expressed in common terms and appear prominently on the label. Feeding directions shall, at a minimum, state, "feed (weight or unit of product) per (weight unit) of dog (or cat)".

Section 18. Incorporation by Reference. (1) "Official Publication", (1998 Edition), Association of American Feed Control Officials, is incorporated by reference.

(2) This material may be inspected, copied, or obtained at the Division of Regulatory Services, 103 Regulatory Services Building, College of Agriculture, University of Kentucky, Lexington, Kentucky 40546-0275, Monday through Friday, 8 a.m. to 4:30 p.m. (AES-2 (1973)-PF 2; 1 Ky.R. 1001; eff. 6-11-75; Am. 23 Ky.R. 1613; eff. 1-10-97; 25 Ky.R. 1088; 2359; eff. 4-14-99.)